

# Senate Amendment 5402

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1 1 Amend the amendment, S=5384, to the House  
1 2 amendment, S=5383, to Senate File 2298, as amended,  
1 3 passed, and reprinted by the Senate, as follows:  
1 4 #1. Page 77, by inserting after line 4 the  
1 5 following:  
1 6  
1 7 <DIVISION \_\_\_\_  
1 8 SEX OFFENDER REGISTRY  
1 9 Sec. \_\_\_\_\_. Section 22.7, Code Supplement 2003, is  
1 10 amended by adding the following new subsection:  
1 11 NEW SUBSECTION. 48. Sex offender registry records  
1 12 under chapter 692A, except as provided in section  
1 13 692A.13.  
1 14 Sec. \_\_\_\_\_. Section 229A.8A, subsection 4, Code  
1 15 Supplement 2003, is amended to read as follows:  
1 16 ~~4. For purposes of registering as a sex offender~~  
1 17 ~~under chapter 692A, a person placed in the~~  
1 18 ~~transitional release program shall be classified a~~  
1 19 ~~"high-risk" sex offender and public notification shall~~  
1 20 ~~be as provided in section 692A.13A, subsection 2. A~~  
1 21 committed person who refuses to register as a sex  
1 22 offender is not eligible for placement in a  
1 23 transitional release program.  
1 24 Sec. \_\_\_\_\_. Section 692A.13, Code Supplement 2003,  
1 25 is amended by striking the section and inserting in  
1 26 lieu thereof the following:  
1 27 692A.13 AVAILABILITY OF RECORDS.  
1 28 1. The department may provide relevant information  
1 29 from the sex offender registry to the following:  
1 30 a. A criminal or juvenile justice agency, an  
1 31 agency of the state, any sex offender registry of  
1 32 another state, or the federal government.  
1 33 b. The general public through the sex offender  
1 34 registry's web page, except that relevant information  
1 35 about an offender who was under twenty years of age at  
1 36 the time the offender committed a violation of section  
1 37 709.4, subsection 2, paragraph "c", subparagraph (4),  
1 38 shall not be disclosed on the web page.  
1 39 c. The single contact repository established  
1 40 pursuant to section 135C.33, in accordance with the  
1 41 rules adopted by the department.  
1 42 2. A criminal or juvenile justice agency may  
1 43 provide relevant information from the sex offender  
1 44 registry to the following:  
1 45 a. A criminal or juvenile justice agency, an  
1 46 agency of the state, or any sex offender registry of  
1 47 another state, or the federal government.  
1 48 b. The general public, including public and  
1 49 private agencies, organizations, public places, public  
1 50 and private schools, child care facilities, religious  
2 1 and youth organizations, neighbors, neighborhood  
2 2 associations, community meetings, and employers.  
2 3 Registry information may be distributed to the public  
2 4 through printed materials, visual or audio press  
2 5 releases, or through a criminal or juvenile justice  
2 6 agency's web page.  
2 7 3. Any member of the public may contact a county  
2 8 sheriff's office or police department to request  
2 9 relevant information from the registry regarding a  
2 10 specific person required to register under this  
2 11 chapter. The request for information shall be in  
2 12 writing, and shall include the name of the person and  
2 13 at least one of the following identifiers pertaining  
2 14 to the person about whom the information is sought:  
2 15 a. The date of birth of the person.  
2 16 b. The social security number of the person.  
2 17 c. The address of the person.  
2 18 4. A county sheriff shall also provide to any  
2 19 person upon request access to a list of all  
2 20 registrants in that county. However, records of a  
2 21 person protected under 18 U.S.C. } 3521 shall not be  
2 22 disclosed.

2 22 5. Relevant information provided to the general  
2 23 public may include the offender's name, address, a  
2 24 photograph, locations frequented by the offender,  
2 25 relevant criminal history information from the  
2 26 registry, and any other relevant information.  
2 27 Relevant information provided to the public shall not  
2 28 include the identity of any victim.  
2 29 6. Notwithstanding sections 232.147 through  
2 30 232.151, records concerning convictions which are  
2 31 committed by a minor may be released in the same  
2 32 manner as records of convictions of adults.  
2 33 7. Sex offender registry records are confidential  
2 34 records pursuant to section 22.7 and shall only be  
2 35 released as provided in this section.  
2 36 Sec. \_\_\_\_\_. Section 901.4, Code Supplement 2003, is  
2 37 amended to read as follows:  
2 38 901.4 PRESENTENCE INVESTIGATION REPORT  
2 39 CONFIDENTIAL == DISTRIBUTION.  
2 40 The presentence investigation report is  
2 41 confidential and the court shall provide safeguards to  
2 42 ensure its confidentiality, including but not limited  
2 43 to sealing the report, which may be opened only by  
2 44 further court order. At least three days prior to the  
2 45 date set for sentencing, the court shall serve all of  
2 46 the presentence investigation report upon the  
2 47 defendant's attorney and the attorney for the state,  
2 48 and the report shall remain confidential except upon  
2 49 court order. However, the court may conceal the  
2 50 identity of the person who provided confidential  
3 1 information. The report of a medical examination or  
3 2 psychological or psychiatric evaluation shall be made  
3 3 available to the attorney for the state and to the  
3 4 defendant upon request. The reports are part of the  
3 5 record but shall be sealed and opened only on order of  
3 6 the court. If the defendant is committed to the  
3 7 custody of the Iowa department of corrections and is  
3 8 not a class "A" felon, a copy of the presentence  
3 9 investigation report shall be forwarded to the  
3 10 director with the order of commitment by the clerk of  
3 11 the district court and to the board of parole at the  
3 12 time of commitment. Pursuant to section 904.602, the  
3 13 presentence investigation report may also be released  
3 14 by the department of corrections or a judicial  
3 15 district department of correctional services to  
3 16 another jurisdiction for the purpose of providing  
3 17 interstate probation and parole compact services or  
3 18 evaluations, or to a substance abuse or mental health  
3 19 services provider when referring a defendant for  
3 20 services. The defendant or the defendant's attorney  
3 21 may file with the presentence investigation report, a  
3 22 denial or refutation of the allegations, or both,  
3 23 contained in the report. The denial or refutation  
3 24 shall be included in the report. If the person is  
3 25 sentenced for an offense which requires registration  
3 26 under chapter 692A, the court shall release the report  
3 27 to the department ~~which is responsible under section~~  
~~3 28 692A.13A for performing the assessment of risk.~~  
3 29 Sec. \_\_\_\_\_. Section 692A.13A, Code 2003, is  
3 30 repealed.  
3 31 Sec. \_\_\_\_\_. APPLICABILITY OF AVAILABLE RECORDS IN  
3 32 THE SEX OFFENDER REGISTRY. Section 692A.13, as  
3 33 amended by this division of this Act, shall apply  
3 34 retroactively to all offenders on the registry.  
3 35 Sec. \_\_\_\_\_. EFFECTIVE DATE. This division of this  
3 36 Act, being deemed of immediate importance, takes  
3 37 effect upon enactment.>>  
3 38 #2. By renumbering as necessary.  
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3 41  
3 42 DONALD B. REDFERN  
3 43 SF 2298.587 80  
3 44 jp/pj